

06-1188

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ARTHUR SCALZO,

Plaintiff,

-against-

KAHR ARMS,

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 15 2006

CIVIL ACTION NO.

NOTICE OF REMOVAL
LONG ISLAND OFFICE

JURY DEMAND

BIANCO, J.
TOMLINSON, M.

-----X

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and applicable Local Rules of the United States District Court for the Eastern District of New York, defendant SAEILO, INC. D/B/A/ KAHR ARMS AND AUTO ORDNANCE CORP. ("SAEILO, INC."), i/s/h/a "Kahr Arms," notices the removal of the above-referenced civil action from the Supreme Court of New York, County of Suffolk, Index No. 06-997, to the United States District Court for the Eastern District of New York. In support thereof, defendant states as follows:

1. Plaintiff, Arthur Scalzo, a resident of 394 Hoffman Lane, Hauppauge, New York 11788, served a Summons with Notice on the defendant. A copy of the Summons with Notice is attached hereto as Exhibit A. Plaintiff has not served a complaint on the defendant.
2. Defendant was served with the Summons and Notice on February 13, 2006. Defendant's Notice of Removal is timely because it is filed within thirty (30) days of receipt of the Summons with Notice by defendant and within one (1) year of commencement of the action.
3. Defendant is a Delaware corporation with its principal place of business at 130 Goddard Memorial Drive, Worcester, Massachusetts 01603.
4. Removal is authorized by 28 U.S.C. §1441, and is based on the United States District

Court's original jurisdiction of the case pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between the parties and the amount in controversy **exceeds** \$75,000. Although plaintiff has failed to specify the amount of damages sought in the Summons or Notice, the plaintiff sustained a self-inflicted personal injury due to discharge of his firearm. **Therefore**, the amount in controversy is sufficient for this Court to exercise diversity jurisdiction.

5. Pursuant to 28 U.S.C. §1446, a copy of this **Notice** of Removal will be filed with the Supreme Court of New York, County of Suffolk, and copies **served** on all parties.

6. Defendant SAEILO, INC. requests a trial by jury.

WHEREFORE, defendant SAEILO, INC. respectfully **removes** this action from the Supreme Court of New York, County of Suffolk, to this Court.

Dated: March 13,2006

Respectfully **submitted**,



Christopher Renzulli, Esq. (CR8840)

Douglas J. Bohn, Esq. (DB4618)

Christopher J. Sovak, Esq. (CS3164)

RENZULLI LAW FIRM, LLP

Attorneys for Defendant Saeilo, Inc. d/b/a Kahr Arms
and Auto-Ordinance Corp. i/s/h/a "Kahr Arms"

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To: Jeffrey P. Falk, Esq.
FALK & KLEBANOFF, P.C.
392 Woodfield Road
West Hempstead, New York 11552

CERTIFICATE OF SERVICE

This is to certify that the foregoing has this day been served on the following parties of record, all postage prepaid:

Jeffrey P. Falk, Esq.
FALK & KLEBANOFF, P.C.
392 Woodfield Road
West Hempstead, New York 11552

Dated: March 13, 2006


Douglas J. Bohn